IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.286 OF 2006

Prashant Ajila Petitioner

versus

Sadanand Annappa Shetty Respondent

Mr.A.S.Karwande for petitioner.

Mr.M.D.Naik for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd January 2006

PC :

1. Heard Shri Karwande for the petitioner and Shri Naik for respondent-original plaintiff. The suit is filed in the year 1990. The request of petitioner to defer the cross examination of the plaintiff, has not been granted. Time was granted to the petitioner to cross examine the respondent-plaintiff who has filed his affidavit in lieu of examination-in-chief. Further time was also granted to the petitioner to keep witnesses present in case other witnesses of the respondent-plaintiff do not turn up.

2. Shri Karwande states that he is not seeking an order in terms of praecipae/application which was moved before the learned Judge on 19th January 2006 for adjournment. However, he submits that the petitioner-original defendant does not press for an adjournment on the ground that an advocate from Bangalore would remain present. She has instructed Shri Karwande to state that in case said advocate is not present, Shri Karwande will conduct the cross examination.

3. Accepting these statements of Shri Karwande which are made on instructions from the petitioner-original defendant, in my view, in the interest of justice the Trial Court will permit the petitioner to cross examine the respondent on 27th January 2006. In case cross examination is complete on that date, the Trial Court to proceed further in accordance with law. In case cross examination remains incomplete, it would be open for the Trial Court to pass suitable orders in that behalf. Although this petition is filed by one Prashant Ajila, I am informed by Shri Karwande that he has the authority from the petitioner to file such a petition. He states that the written authority to do so could not be

produced in view of urgency. Be that as it may, Shri Karwande states that the petition is by the original defendant Usha Shetty and it be treated as such and all statements recorded in this order are on the instructions of Usha Bharat Shetty - original plaintiff. Petition disposed of.

(S.C.DHARMADHIKARI, J.)